

15

REGULAR

NUMBER: 38.765

TITLE: AN ORDINANCE OF THE CITY OF MILPITAS ENACTED AS
AN AMENDMENT TO CHAPTER 10, TITLE XI OF THE
MILPITAS MUNICIPAL CODE.

HISTORY: This Ordinance was introduced (first reading) by the City Council
at its meeting of January 18, 2005 upon motion by Councilmember
_____ and was adopted (Second reading) by the
City Council at its meeting of _____, upon motion
by Councilmember _____. Said Ordinance was duly
passed and ordered published in accordance with law by the
following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST:

APPROVED:

Gail Blalock, City Clerk

Jose Esteves, Mayor

APPROVED AS TO FORM:

Steven T. Mattas, City Attorney

ORDAINING CLAUSE:

THE CITY COUNCIL OF THE CITY OF MILPITAS DOES ORDAIN AS FOLLOWS:

SECTION 1. Recitals and Findings.

- A. Pursuant to Government Code section 65853 and 65854, the Planning Commission of the City of Milpitas held a properly noticed public hearing on November 17, 2004 to consider the amendments to Title XI, Chapter 10 of the Milpitas Municipal Code related to the Elmwood Residential and Commercial Development Project. In accordance with Government Code section 65855, the Planning Commission has rendered a decision in the form of a written recommendation, which was presented to the City Council prior to consideration of this Ordinance.
- B. Upon receipt of the Planning Commission's written recommendation, the City Council held a properly noticed public hearing on January 18, 2005.
- C. The City Council finds that this Ordinance does not render Title XI, Chapter 10 inconsistent with the City of Milpitas General Plan or the Midtown Specific Plan.

SECTION 2. The *Zoning Map* of the City of Milpitas, which was adopted as part of Ordinance No. 38, enacted as Title XI Chapter 10 (Planning, Zoning and Annexation) of the Milpitas Municipal Code is hereby *amended by adding a new Sectional District Map No. 556*, which includes the zone change and partial zone change of 4 parcels, a copy of which is attached as Exhibit A incorporated herein by reference and summarized below.

APN	Existing Zoning	Proposed Zoning
86-10-025 (entire parcel)	MXD	POS
86-05-009	C2	R3
86-05-009	POS	R3
86-11-013	R4	POS
86-11-013	POS	R4
86-05-003	POS	C2





SECTION 3. Publication and Effective Date. Pursuant to the provisions of Government Code Section 36933, a Summary of this Ordinance shall be prepared by the City Attorney. At least five (5) days prior to the Council meeting at which this Ordinance is scheduled to be adopted, the City Clerk shall (1) publish the Summary, and (2) post in the City Clerk's Office a certified copy of this Ordinance. Within fifteen (15) days after the adoption of this Ordinance, the City Clerk shall (1) publish the summary, and (2) post in the City Clerk's Office a certified copy of the full text of this Ordinance along with the names of those City Council members voting for and against this Ordinance or otherwise voting.

SECTION 4. Severability. In the event any section or portion of this ordinance shall be determined invalid or unconstitutional, such section or portion shall be deemed severable and all other sections or portions hereof shall remain in full force and effect.



City of Milpitas
New Zoning Designations
Sectional District Map No. 556
Exhibit A
January 2005

Map Legend:

-  Multi-Family, Very High Density (31-40 units/gross acre, up to 60 units/gross acre in TOD).
-  Multi-Family, High Density (12-20 units/gross acre; up to 40 units/gross acres with special findings and PUD Approval)
-  Parks and Open Space
-  General Commercial

